



To Ms. Federica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission,

To Mr. Donald Tusk, President of the European Council, and EU Member States' Ministers of Foreign Affairs

22 June 2017

We, the undersigned civil society organisations, ***urge you to postpone the EU-Egypt Association Council and not to extend a formal invitation to the Egyptian authorities for July 2017. This event would constitute a public political gesture conveying to them, and to public opinion in Europe and in Egypt, an endorsement of Egypt's policies of the past few months, by the EU and its Member States.*** We consider that would encourage President Al-Sisi's government to proceed with further, broader repressive measures, thus accelerating the destabilisation of Egypt even further. This would serve neither the Egyptian people's interests, nor those of Europe in its search for stability, resilience and security in the MENA region.

Since the conclusion of negotiations of the EU-Egypt Partnership Priorities in December 2016, the Egyptian authorities have stepped up efforts to silence peaceful dissent, further close public space and clamp down on the political sphere ahead of the 2018 presidential elections. Repression of human rights defenders, journalists and political opposition has reached unprecedented levels. On 15-18 June, 2017, around 170 opposition activists and HRDs were detained in an attempt to silence dissent and protest over the Tiran and Sanafir islands' transfer to Saudi Arabia.ⁱ Over 100 news outlets and websites have been blocked in the past month.ⁱⁱ Since April 2017, Egyptian security forces have arrested dozens of opposition party activists for expressing their opinion on social media. Rights lawyer Khaled Ali, a left-wing political opponent, is facing a politically-motivated trial for a trivial alleged misdemeanour that would disqualify him from standing for election.ⁱⁱⁱ

While the government works to ensure there will be no alternative that could be democratically brought to power, it reacts to terrorist attacks by escalating repression, though this approach has failed and continues to fail to end terrorism or to counter violent extremism in Egypt. The state of emergency imposed across the country in April 2017,^{iv} has been in force in North Sinai for years, but terrorism has only grown and became more entrenched there. Crimes of enforced disappearances, torture, extrajudicial killings, collective punishment and mass displacement^v have facilitated the survival and growth of ISIS in the peninsula. Terror groups are now able to exploit State violence and repressive policies to disseminate a more political discourse with a wider appeal, including denunciation of the Executive's persistence in transferring two islands to Saudi Arabia, in violation of multiple court rulings.^{vi} Attacks and assassinations (attempted or successful) of officers and State officials have spread to Egypt's mainland and major cities.

The Egyptian judiciary has largely failed to hold to account those responsible for gross human rights violations in the country so far, and has repeatedly served as a tool of repression. In April 2017, under cover of "fighting terrorism," Egypt passed a series of other legislative amendments that further erode citizens' and human rights defenders' right to a fair trial and give the Executive even more power to intervene in the judiciary.^{vii} This process was expedited by Egypt's Parliament, which is dominated by pro-Executive legislators—who have "voted overwhelmingly for numerous laws that severely curtail civil and political rights, have silenced even mild government criticism on these issues, and have lashed out against journalists, human rights groups, and Western governments."^{viii} Such policies continue to hollow out vital State institutions and make them more fragile, while whittling away checks and balances to Executive power.

Egypt has seen a disturbing deterioration in economic and social rights in recent months, fueling popular unrest. According to State data, more than 23 million Egyptians are under the poverty line, one-third of young people are unemployed, and one of every five children under five years of age, is malnourished. Government

implementation of harsh austerity measures in conjunction with a loan from the International Monetary Fund provoked spiralling inflation, soaring import costs, wage stagnation, shortages of affordable essential items, and escalating living costs. Poorer households have been disproportionately hurt in spite of constitutional guarantees of the rights to health, to work, to education, and to an adequate standard of living. The IMF-backed safety net programs in Egypt designed to replace the existing subsidy system, further jeopardise rights of already vulnerable and marginalised populations which they were designed to protect from the effects of fiscal adjustment measures. In full capacity, they are wholly inadequate, leaving 60 per cent of the poor to face the impact of rising living costs without support, as the chronic underfunding of social services continues.^{ix} Yet financing has been available for considerable military spending on equipment of limited use for fighting terrorism; the 2015 total—roughly equivalent to the 2016 IMF loan—put Egypt in second-place in the developing world.^x Progress toward accountability in this field is non-existent: Egypt’s military budget remains a state secret and there is no civilian oversight of the military’s economic activities;^{xi} Transparency International raised the alarm about Egypt’s high risk of corruption in the defence and security sector.^{xii}

The government is also engaging in a fierce campaign against independent trade union organisations and cracking down on freedom of association and fundamental labour rights. More than 70 trade union and labour activists have been brought to trial in 2017; some have spent months behind bars. Dozens of trade unionists and workers have been dismissed at an unprecedented rate,^{xiii} losing their jobs and livelihoods as a penalty for the exercise of their legitimate democratic rights. Their legal protection is denied on the basis of the illegitimacy of their unions, according to law no. 35 of 1976. A new draft Trade Union Law is still in the process of being issued, but it is seriously flawed and falls short of compliance with ILO convention 87, according to the conclusions of the ILO Conference’s 106th session of June 2017.

In this context, the ratification of Egypt’s new NGO law, no. 70/2017, came as a shock to European partners of Egypt who had believed the draconian text passed by Parliament in November 2016, would not be enacted as it was, and indicated dialogue on the matter had still been ongoing. However, after the German Chancellor’s 2017 official visit to Cairo and conclusion of several agreements with Egyptian counterparts, President Al-Sisi ostensibly concluded the way was clear for enacting this new NGO law. Its implementation will stifle independent civil society, including development, social and humanitarian NGOs, and discourage further initiatives for any kind of civic work in the country.^{xiv} As the socioeconomic crisis drags on, this law will deprive Egypt’s many vulnerable citizens and refugees of the vital educational, health and social services, as well as poverty alleviation provided by civil society groups.

Egypt’s human rights defenders have faced escalating judicial harassment and threats within case 173/2011, the “Foreign Funding Case against NGOs”. At least 7 human rights defenders (HRDs) have been charged, interrogated and released on bail by an investigative judge, and 18 banned from travelling outside Egypt; 7 rights groups and 10 HRDs are subject to asset freezes in case 173. Defenders also face smear campaigns, threats and harassment^{xv} including in Europe, as denounced by 20 Italian organisations in May 2017.^{xvi}

The apparent absence of a sharp public reaction in November 2016 to Dr Aida Seif al-Dawla’s travel ban and the freezing of her NGO’s bank account, Al-Nadeem Centre for Rehabilitation of Victims of Violence and Torture,^{xvii} may have encouraged the Egyptian authorities to repress women human rights defenders further. Shortly afterward, WHRD Ms Azza Suleiman was subjected to a travel ban, arrested from her home, and her assets—as well as those of her firm Lawyers for Justice and Peace—were frozen in December 2016.^{xviii} WHRD Ms Mozn Hassan and her NGO, Nazra for Feminist Studies, shared that fate the following month. Al-Nadeem Centre was then forcibly closed down in February 2017.^{xix} In addition to the criminal charges brought against many, which carry a life sentence under Penal Code Article 78, women HRDs and feminist activists are specifically targeted with additional accusations of “calling for the irresponsible liberation of women”.^{xx} Egypt needs these WHRDs more than ever to hold government to account. Even when women’s rights are prioritised on paper, implementation is frequently deferred, as witnessed by the fate of the 2015 national strategy for fighting violence against women, which still lacks monitoring and evaluation mechanisms and therefore, does not function. Independent women’s rights organisations’ efforts to engage with the authorities to improve and strengthen State strategies in this area remain ignored.^{xxi}

All of these policies will not only deprive the poor and needy of crucial aid and services, they will also leave survivors of torture, and sexual or gender-based violence essentially without recourse for legal, medical or psychological support. This is particularly dangerous as Egypt grapples with a security crisis: the rise and spread of terrorism across the country is fed by growing radicalisation of disenfranchised and marginalised citizens, and those victims of violence and injustice at the hands of the State, with no means of redress or access to justice. Indeed, on 1 May 2017, the UN High Commissioner for Human Rights expressed concern that the severe repression by the Egyptian government, including “*a state of emergency, the massive numbers of detentions, reports of torture, and continued arbitrary arrests [...] facilitates radicalisation.*”^{xxii}

Meanwhile, over 100 of Egypt’s Coptic Christians have been killed in terrorist attacks since December 2016, in addition to the forced displacement of Sinai’s Coptic community after it was targeted by ISIS.^{xxiii} The group is using deep-rooted sectarianism in Egypt—entrenched by government neglect of the problem^{xxiv} and at times, condoning hate speech^{xxv}—to target Coptic Christians, so as to try to ignite a sectarian conflict and a “successful jihad”, mirroring Iraq or Syria. Al-Sisi’s government highlights the plight of the Copts, but does not show the will to protect them in practice—neither from ISIS,^{xxvi} nor from banalised discrimination and sectarian violence—and uphold the rule of law.^{xxvii}

In 2017 and for the years to come, an already unstable Egypt is facing an accumulation of security and socioeconomic crises. It is also bereft of effective State institutions able and willing to play a mediating role between citizens and the State, in providing a forum to discuss policies to tackle these crises and raising pressing popular demands—or to hold government accountable for its failures. This only makes it more crucial for an independent civil society and human rights movement not only to survive, but to flourish, if Egypt is to stabilize, recover and avert scenarios of mass popular revolt, of collapse and mass emigration, and of ISIS attacks developing into broader armed conflicts that are increasingly lethal for civilians.

Europe cannot afford to take steps that encourage the Egyptian authorities to continue on the current path of accelerating destabilisation. The absence of any mention of the country by the EU under Item 4 at the UN Human Rights Council’s 35th session has signalled to Egypt that its human rights situation is apparently no longer of concern in Europe. The holding of an Association Council directly after would mean a formal public process with little room for any critical public comment on recent developments in Egypt: at the moment, this will be interpreted as an endorsement of Egypt’s policies and a green light to crack down further.

Arci Associazione
Arab Trade Union Confederation (ATUC)
Cairo Institute for Human Rights Studies (CIHRS)
Civicus
Coordination Sud
CNCD - 11.11.11
EuroMed Rights
FIDH (International Federation for Human Rights)
Front Line Defenders
OMCT (World Organisation against Torture)
Solidar
Tahrir Institute for Middle East Policy (TIMEP)

ⁱ H. Hendawi for AP, “Egypt arrests dozens ahead of proposed protests,” 15 June 2017, <http://abcnews.go.com/International/wireStory/egypt-panel-defies-parliament-red-sea-islands-transfer-48052364>. Total count of persons detained and arrested in connection with the islands issue from 9 April 2016 up to 19 June 2017, with case data, compiled by the Front to Defend Protesters and the Freedom for the Brave campaign here https://docs.google.com/spreadsheets/d/1WZgNEOMRtn_3108L48hptsZQfNolufXJa6i70VgTHo8/edit#gid=437532718

ⁱⁱ Egyptian rights group AFTE “monitored the blocking of 62 websites from May 24th to June 12th, 2017, in addition to blocking (Al Araby Al Jadeed) website by in 2015. On Monday the 12th of June, [AFTE] noticed the beginning of blocking websites that provide VPN services.” (<https://afteegypt.org/right-to-know-2/publicationsright-to-know-right-to-know-2/2017/06/04/13069-afteegypt.html?lang=en>) The count continues to rise over 100 according to AFTE’s Mohammad el Taher (<https://www.facebook.com/mo.eltaher/posts/10158949280265327>)

- iii The alleged misdemeanor for which Ali is to be tried, is making an offensive gesture while celebrating a court victory earlier this year. See Amnesty International, "Egypt: Former presidential candidate Khaled Ali facing trial amid crackdown on political activists," 24 May 2017, <https://www.amnesty.org/en/latest/news/2017/05/egypt-former-presidential-candidate-khaled-ali-facing-trial-amid-crackdown-on-political-activists/>
- iv UN High Commissioner for Human Rights, Zeid Raad al-Hussein condemned this, stressing that "a state of emergency, the massive numbers of detentions, reports of torture, and continued arbitrary arrests - all of this we believe facilitates radicalisation in prisons." (http://mobile.reuters.com/article/idUSKBN17X1MI?mc_cid=66a14ddf04&mc_eid=e7b7f52ad3)
- v See Human Rights Watch <https://www.hrw.org/news/2017/04/21/egypt-videos-show-army-executions-sinai> and <https://www.hrw.org/news/2015/09/22/egypt-thousands-evicted-sinai-demolitions>; TIMEP <https://timep.org/commentary/special-briefing-leaked-video-of-egyptian-military-servicemen-extrajudicial-killings-of-civilians/>; Amnesty International <https://www.amnesty.org/en/latest/news/2017/04/egypt-video-of-extrajudicial-executions-offers-glimpse-of-hidden-abuses-by-the-military-in-north-sinai/>
- vi Dr. Nancy Okail & Jake Greene for TIMEP, "The Dueling Narratives of the Islamic State and the Egyptian State," 19 April 2017, <https://timep.org/commentary/the-dueling-narratives-of-the-islamic-state-and-the-egyptian-state/>
- vii Amendments to the Judicial Authorities Law (see <http://www.cihrs.org/?p=19757&lang=en>); also amendments to several articles of the Code of Criminal Procedure (no. 277, 384, 388, 395), to the law regulating appeals before the Court of Cassation (no. 57/1959), the Terrorist Entities Law (no. 8/2015) and the Counter-Terrorism Law (no. 94/2015); and finally, amendments to the law on the State of Emergency (no.162 of 1958). See <https://www.amnesty.org/en/documents/mde12/6081/2017/en/>
- viii Indeed, "Egypt's current parliament was formed by the fall 2015 elections, which were held under conditions of intense repression and amidst reports of extensive interference by security agencies. It is dominated by supporters of President Abdel Fattah al-Sisi." (p.1, Ragab Saad, "All the President's MPs: The Egyptian Parliament's Role In Burying Human Rights and Silencing Dissent," published by POMED, June 2017, http://pomed.org/wp-content/uploads/2017/06/Ragab_170612_FINAL.pdf)
- ix Center for Economic and Social Rights, "Egypt's new IMF deal comes with a huge price tag for human rights," February 2017, available at <http://www.cesr.org/egypt%E2%80%99s-new-imf-deal-comes-huge-price-tag-human-rights>
- x See C.A. Theohary for US Congressional Research Service, "Conventional Arms Transfers to Developing Nations, 2008-2015, 19 Dec. 2016, <https://fas.org/sqp/crs/weapons/R44716.pdf>
- xi "Estimates from monitoring groups vary. Transparency International puts the annual defense budget at around US\$4.4 billion, while industry intelligence firm BMI Research estimated defense spending at US\$5.1 billion in 2015, predicting it would exceed US\$5.4 billion in 2016 and US\$6.5 billion in 2020," reported MadaMasr in 2016 (<https://www.madamasr.com/en/2016/06/13/news/economy/report-egypt-worlds-4th-largest-arms-importer-in-2015/>)
- xii See Transparency International 2015 Government Defense Anti-Corruption Index, <http://government.defenceindex.org/countries/egypt-arab-rep/>
- xiii See CTUWS, "Report on the Violations of Trade Unions' Freedoms: In the Darkness of the Tunnel , January to June 2017", <http://www.ctuws.com/en/content/report-violations-trade-unions%E2%80%99-freedoms-in-darkness-tunnel-january-june-2017>
- xiv See 2016 statement by UN Special Rapporteur on the rights to freedom of peaceful assembly and of association Mr. Maina Kiai, with UN Special rapporteurs on the promotion and protection of the right to freedom of opinion and expression, and on the situation of human rights defenders, Mr. David Kaye and Mr. Michel Forst, urging Egypt not to enact this law: <http://freeassembly.net/news/egypt-ngo-bill-november/>
- xv See Front Line Defenders (<https://www.frontlinedefenders.org/en/case/smear-campaign-incites-violence-against-human-rights-defenders-egypt>); La Repubblica (http://www.repubblica.it/cronaca/2017/05/23/news/i_veneni_del_caso_regeni_attivisti_egiziani_spiati_al_convegno_in_italia_-166149697/); joint statement by 20 Italian NGOs (<http://arcic5.114.sitetest.it/news/comunicati/comunicati-arci-2017/italia-non-e-un-paese-sicuro-attivisti-egiziani-dei-diritti-seguiti-spiati-e-diffamati-roma-intervenga-il-governo/>)
- xvi <http://arcic5.114.sitetest.it/news/comunicati/comunicati-arci-2017/italia-non-e-un-paese-sicuro-attivisti-egiziani-dei-diritti-seguiti-spiati-e-diffamati-roma-intervenga-il-governo/>
- xvii See Front Line Defenders, <https://www.frontlinedefenders.org/en/profile/aida-seif-el-dawla>
- xviii See Front Line Defenders, <https://www.frontlinedefenders.org/en/case/arrest-azza-soliman>
- xix The Observatory (OMCT/FIDH), "Egypt: State Council's report declared illegal the administrative closure order against El Nadeem Clinic," March 23, 2017, <http://www.omct.org/human-rights-defenders/urgent-interventions/egypt/2017/03/d24264/>
- xx See WHRD-MENA, "Hunting Out Feminists in Egypt – Azza Soliman and Mozn Hassan Embody the State's Refusal of Feminist Activism in Both Private and Public Spheres," 9 Jan. 2017, <http://www.defendingwomen-defendingrights.org/2017/01/09/hunting-out-feminists-in-egypt-azza-soliman-and-mozn-hassan-embody-the-states-refusal-of-feminist-activism-in-both-private-and-public-spheres/>
- xxi Nazra for Feminist Studies, "A Group of Organisations Calls for a Monitoring and Evaluation Instrument for the National Strategy to Fight Violence Against Women, One Year After Its Launch", 6 Sept. 2016, <http://nazra.org/node/507>; "Two Years into the National Strategy to Fight Violence Against Women, Still no Instruments for Monitoring or Evaluation," 9 June 2017, <http://nazra.org/node/572>.
- xxii Reuters, "U.N. rights boss says Egypt crackdown 'facilitates radicalization'", 1 May 2017, available at <http://www.reuters.com/article/us-egypt-rights-un-idUSKBN17X1MI>
- xxiii See joint statement by 5 Egyptian political parties and 19 rights groups: "Egypt: Solidarity with Egyptian Christians is vital amidst escalating sectarian violence," 27 February 2017, <http://www.cihrs.org/?p=19888&lang=en>
- xxiv See <https://www.amnesty.org/en/latest/news/2017/03/egypt-government-must-protect-coptic-christians-targeted-in-string-of-deadly-attacks-in-north-sinai/>; <https://www.hrw.org/news/2016/09/15/egypt-new-church-law-discriminates-against-christians>; <https://eshhad.timep.org/reports/special-briefings/special-briefing-killings-arish-rising-sectarianism-sinai/>
- xxv See "CIHRS urges Sheikh of al-Azhar to retract statements condoning violent extremism," 10 July 2016, <http://www.cihrs.org/?p=19780&lang=en>
- xxvi See A. Aboulenein & G. Elgood for Reuters, "Is Egypt bombing the right militants in Libya?" on 31 May 2017: "Egyptian President Abdel Fattah al-Sisi was quick to launch air strikes on militants in Libya in response to a deadly attack on Coptic Christians in Egypt - but the attacks do not seem to be targeting those responsible." (<http://mobile.reuters.com/article/idUSKBN18R2GE>)
- xxvii See comment by minority rights defender Ishak Ibrahim at <https://www.facebook.com/ishak.assaad>